

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JERRY J. LUCERO,

Plaintiff,

v.

No. 21-cv-1020 MV-JHR

FNU MORENO, *et al*,

Defendants.

**ORDER EXTENDING PAYMENT DEADLINE**

This matter is before the Court on Plaintiff's Letter-Motion to Excuse the Initial Partial Payment (Doc. 8). Plaintiff is incarcerated and proceeding *pro se*. The Court previously granted leave to proceed *in forma pauperis* and assessed an initial payment of \$3.45. (Doc. 7). It represents 20 percent of the greater of Plaintiff's average monthly deposits or balance. *See* 28 U.S.C. § 1915(b). In the instant letter, Plaintiff states he has not worked since June 2021; his paycheck was untimely; and he "not going to give this prison a chance to do the same thing again." (Doc. 8). The Court discerns Plaintiff seeks to waive the initial payment, even though his paycheck is not his only source of income. The inmate account statement reflects he also receives cash from outside sources. (Doc. 6).

Because the initial payment is required by statute, the Court will extend the payment deadline through February 28, 2022 rather than waiving it entirely. If Plaintiff has received no funds and maintained a zero balance since entry of the initial Order, he can file another motion to waive the filing fee. Such motion must attach an up to date copy of his inmate account statement to confirm the absence of additional deposits and available funds. The failure to timely comply with this Order will result in dismissal of the case without further notice.

**IT IS ORDERED** that Plaintiff's Letter-Motion to Excuse the Initial Partial Payment (Doc. 8) is **DENIED, in part**; but the deadline for Plaintiff to submit an initial payment of **\$3.45** is extended through **February 28, 2022**.

A handwritten signature in blue ink, appearing to read "J. H. H.", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE